

MINUTES
MALIBU CITY COUNCIL
REGULAR MEETING
JUNE 10, 2002
HUGHES AUDITORIUM
6:30 P.M.

CALL TO ORDER

Mayor Jennings called the meeting to order at 6:48 p.m.

ROLL CALL

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Jeffrey Jennings, Mayor Pro Tem Ken Kearsley, Councilmembers Sharon Barovsky, Joan House and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Julia James, Administrative Services Director; Rick Morgan, City Engineer; Pete Lippman, City Treasurer; Paul Adams, Parks and Recreation Director; Drew Purvis, Planning Director; Scott Albright, Senior Planner; Sergeant Angel , Sheriff's Department; and Lisa Pope, City Clerk

FLAG SALUTE

Marissa Coughlan led the Pledge of Allegiance.

CLOSED SESSION REPORT

City Attorney Hogin announced that the Council meet in Closed Session, discussed some but not all of the items listed on the posted agenda due to time, and took no reportable action.

REPORT ON POSTING OF AGENDA

City Clerk Pope reported that the agenda for the meeting was posted on May 31, 2002.

APPROVAL OF AGENDA

City Attorney Hogin requested Item 3.A.1. be referred back to staff. She stated she had received a request that Item 3.A.2. be continued. Mayor Jennings stated he had promised to walk the property with the applicant but had been unable to visit the site. He suggested the matter be continued in fairness to the applicant.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the agenda with Items 3.A.1. and 3.A.2. continued. The motion carried unanimously.

ITEM 1 CEREMONIAL/PRESENTATIONS

None.

ITEM 2A. PUBLIC COMMENTS

Ozzie Silna discussed the Council's previous adoption of the 101st Airborne and presented emblems to the City Council.

Mayor Pro Tem Kearsley requested sponsors for members of the 101st Airborne to allow participation in the City's 4th of July event.

Ozzie Silna read a letter submitted by Jo Ruggles regarding modification to the Subdivision Ordinance / Slope Density Formula.

Lin Dunlop, Chamber of Commerce, invited everyone to the Malibu Arts Festival at the end of July. She announced the Chamber Mixer on June 12, 2002.

Eleanor Bertoneau requested the City halt a permit issued on Grasswood Avenue for 28 garages.

Sam Hall Kaplan indicated opposition to the construction of 28 garages on Grasswood Avenue. He recommended a stop work order be issued immediately and the permit process be reviewed to determine how the project was approved.

Steve Uhring requested clarification on the newspaper article indicating the City's LCP was withdrawn by the City on June 15, 2001.

Norm Haynie discussed the proposed amendments to the Subdivision Ordinance. He stated he did not feel the slope density formula ought to apply to properties zoned RR20 or RR40. He discussed the application of the slope density formula in relationship to the LCP.

Charleen Kabrin discussed a subdivision that had previously come before the Planning Commission. She expressed concern regarding the removal of the slope / density formula from subdivisions.

B. COUNCIL COMMENTS

Councilmember House requested the City Attorney review the TLC litigation. City Attorney Hogin provided an overview on the history of the 2000 Administrative Draft LCP. She explained that Coastal Commission staff had indicated the draft was unacceptable. She stated Gary Timm had indicated the draft was "dead on arrival." She discussed the TLC litigation. Councilmember House asked when an approved draft LCP was sent to the California Coastal Commission. City Attorney Hogin explained that the

July 2001 draft was approved by the Council and forwarded to the Coastal Commission. Councilmember House discussed the confusion arising from the LCP process.

Councilmember Barovsky discussed depositions taken on the TLC litigation. City Attorney Hugin stated the plaintiff took Gary Timm's deposition at which he indicated he had stated the draft was "dead on arrival."

Mayor Pro Tem Kearsley stated the article made it appear as if Mr. Kahn had been victorious in the TLC litigation, although 7 of the 8 causes of action had been thrown out.

Councilmember House requested the Planning Department respond to concerns expressed by Ms. Bertneau. Planning Director Purvis stated he would review the project and report back to the Council.

Councilmember House requested the Sheriff's Department discuss the recent events that occurred in Malibu. Sgt. Angel reported on the recent traffic accidents on Pacific Coast Highway. Councilmember House asked the City Manager what type of coordination the City had with the Sheriff's Department, Fire Department, Caltrans and Water District. City Manager Lichtig stated she had requested the Sheriff's Department coordinate a debriefing on the recent water hydrant break. Councilmember House requested a report on beach activity. Sgt. Angel stated they were doing their best to ensure a safe summer. Councilmember House requested correspondence be submitted before noon on the day of City Council meetings. She invited residents to attend the City's 4th of July event.

Mayor Pro Tem Kearsley discussed the water hydrant break at Pacific Coast Highway and Topanga Canyon. He discussed the need for a local valve key along with maps of the water mains. He discussed his attendance at the Little League Closing Day at Bluffs Park. He encouraged the community to attend the City's July 4th event.

Councilmember Barovsky asked if a permit was granted for a 28-car garage. Planning Director Purvis stated he needed to review the file. Councilmember Barovsky stated she attended Sheriff Baca's luncheon. She stated she also attended the Little League Closing Ceremony at Bluffs Park.

Councilmember Stern discussed the 28-car garage project and indicated it complied with the law.

Mayor Jennings invited residents to attend the City's July 4th Celebration. He stated he attended the recent Contract Cities Convention at which a resolution was adopted supporting local control. He discussed recent events he attended. He discussed the criticisms of the subdivision ordinance. He encouraged residents to attend the Arts Festival.

ITEM 3 CONSENT CALENDAR

MOTION Mayor Pro Tem Kearsley moved and Councilmember Barovsky seconded a motion to approve the Consent Calendar, with the exception of Items 3.A.1. and 3.A.2., which were continued upon approval of the agenda. The motion carried unanimously.

The Consent Calendar consisted of the following items:

A. Previously Discussed Items

1. Second Reading and Adoption of Ordinance No. 232, An Ordinance of the City of Malibu Amending the Subdivision Ordinance, Article X of the Malibu Municipal Code
Staff recommendation: Conduct second reading and adopt Ordinance No. 232.
2. An Appeal of the Planning Commission's Decision to Approve Plot Plan Review No. 00-094 and Variance No. 99-036 for the Construction of a 20-foot wide, 1,669 foot long, private access road located northeast of Sweetwater Mesa Road (Appeal No. 00-002); Appellant: C.W. Carson; Applicant: Schmitz and Associates; Owner: Brian A. Sweeney, Mika Heights L.L.C., Jean Ross L.L.C., & Catherine Isabel L.L.C. (Continued from May 13, 2002)
Staff recommendation: Adopt Resolution No. 02-05 denying Plot Plan Review No. 00-094 and Variance No. 99-036 for the construction of a 20-foot wide, 1,660 foot long, private access road located northeast of Sweetwater Mesa Road.

B. New Items

1. Waive further reading
Staff recommendation: After the City Attorney has read the title, waive full reading of ordinances considered on this agenda for introduction on first reading and/or second reading and adoption.
2. Approve Warrants
Staff recommendation: To allow and approve warrant demand numbers 19325 through 19411 listed on the register from the General Fund and direct the City Treasurer to pay out the funds to each of the claimants listed in Warrant Register No. 260 in the amount of the warrant appearing opposite their names, for the purposes stated on the respective demands, including payroll checks, in a total amount of \$555,766.20.
3. Re-affirm the State of Local Emergency Declared by the Director of Emergency Services on March 9, 2001 Relating to the Landslide Road Failure at Corral Canyon
Staff recommendation: Re-affirm the State of Local Emergency by minute order.
4. Approval of Minutes
Staff recommendation: Approve City Council meeting minutes for the regular meeting held on May 28, 2002.

ITEM 4 ORDINANCES AND PUBLIC HEARINGS

A. Proposed Budget, Appropriations Limit, and Schedule of Fees for Fiscal Year 2002-2003

Staff recommendation: Take additional public testimony and at the conclusion close the public hearing and adopt Resolution No. 02-20 adopting the Annual Budget for FY 2002-2003; Resolution No. 02-21 establishing the Appropriation Limit for FY 2002-2003; and Resolution No. 02-22 establishing the Schedule of Fees for FY 2002-2003.

Administrative Services Director James presented the staff report.

Arnold York, representing the Business Roundtable, discussed the failure to fund the Economic Element of the General Plan. He urged the Council to include \$50,000 in the budget for an Economic Element.

Mark Ball, Business Roundtable member, reiterated the importance of funding the Economic Element of the General Plan.

Councilmember House presented the Administration and Finance Subcommittee proposals for inclusion in the 2002-2003 budget. She requested an additional meeting between the Administration and Finance Subcommittee and City Treasurer.

Councilmember Barovsky discussed the issue of records management. She suggested the Administration and Finance Subcommittee review the possibility of hiring a consultant to implement a records management system.

City Treasurer Lippman indicated support for an additional Administration and Finance Subcommittee meeting prior to adopting the budget.

The Council discussed the Administration and Finance Subcommittee recommendation to schedule the Morning View Sidewalk CIP for summer of 2002.

MOTION Councilmember House moved and Councilmember Barovsky seconded a motion to amend the budget to include Morning View Sidewalk CIP for summer of 2002. The motion carried unanimously.

The Council discussed the proposal to consolidate the Public Works and Engineering Departments and transfer any savings to the undesignated General Fund reserve.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to amend the budget to consolidate the Public Works and Engineering Departments. The motion carried unanimously.

The Council discussed the proposal to reduce employee health insurance premiums paid by the City and seek employee input on how to accomplish the reduction.

CONSENSUS By consensus, the Council directed staff to bring back suggestions to the Administration and Finance Subcommittee on ways to reduce health care costs.

The Council discussed the Administration and Finance Subcommittee recommendation to eliminate the Special Projects Manager position in the City Manager's Department.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to eliminate the position of Special Projects Manager position in the City Manager's budget. The question was called and the motion carried 3-2, Mayor Pro Tem Kearsley and Mayor Jennings dissenting.

The Council discussed the Administration and Finance Subcommittee recommendation to increase staffing and operating support for the senior center.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to direct staff to come back with a recommendation on staffing for the senior center. The motion carried unanimously.

MOTION Councilmember House moved and Councilmember Stern seconded a motion to include membership to the Chamber of Commerce at a cost of \$410. The motion carried unanimously.

CONSENSUS By consensus, the Council determined to include information on the 4% increase in personnel performance compensation in the budget cover memorandum.

CONSENSUS By consensus, the Council determined to delete reference to City lobbyist in the Council's goals under heading of intergovernmental relations.

CONSENSUS By consensus, the Council determined to revise the Council goals to list Public Works Capital Improvement Projects.

The Council discussed the Administration and Finance Subcommittee proposal to approve the Point Dume Community Service District's request for \$6000 for operation of Cameron Park.

City Manager Lichtig suggested transferring \$6000 from the Parks and Recreation budget to the Grant line item.

CONSENSUS

By consensus, the Council determined to reflect a \$6000 grant to the Point Dume Community Service District.

The Council discussed the proposal by the Administration and Finance Subcommittee to fund an Economic Element to the General Plan in the amount of \$50,000.

Mark Ball stated the estimate provided by former Planning Director Hogan was 4 to 6 months to conduct a study.

Arnold York explained that the Economic Element would assist in implementation of the LCP.

MOTION Councilmember Barovsky moved and Councilmember Stern seconded a motion to allocate \$50,000 for the Economic Element to the General Plan but to defer action until after September 15, 2002. The motion carried unanimously.

In response to Mayor Jennings, City Manager Lichtig provided an overview of the current financial management system and potential online permitting system.

CONSENSUS

By consensus, the Council referred online permitting to the Administration and Finance Subcommittee to receive additional information by staff.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to allocate \$20,000 for records management. The motion carried unanimously.

MOTION Councilmember Barovsky moved and Councilmember Stern seconded a motion to approve the proposed fee schedule with additional direction provided by the Administration and Finance Subcommittee. The motion carried unanimously.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to defer allocation of the COPS funds.

AMENDMENT

Mayor Jennings amended the motion to include expansion of the STAR program. The maker and seconder of the motion accepted the amendment.

The amended motion carried unanimously.

CONSENSUS

By consensus, the Council referred the Commission assignments to the Administration and Finance Subcommittee.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to continue the hearing open and refer the budget to the Administration and Finance Subcommittee for further recommendations. The motion carried unanimously.

RECESS Mayor Jennings called a recess at 9:18 p.m. The meeting reconvened at 9:33 p.m. with all Councilmembers present.

Mayor Pro Tem Kearsley announced that Ozzie Silna would fund two representatives from the Alpha Company for the 4th of July weekend.

- B. Assessment District 98-1 (Big Rock Mesa)
Staff recommendation: Hold the public hearing to receive public comment and then adopt Resolution No. 02-23 establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2002-2003.

City Engineer Morgan presented the staff report.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to adopt Resolution No. 02-23 establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-1 (Big Rock Mesa) for Fiscal Year 2002-2003. The question was called and the motion carried unanimously.

- C. Assessment District 98-2 (Calle Del Barco)
Staff recommendation: Hold the public hearing to receive public comment and then adopt Resolution No. 02-24 establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2002-2003.

City Engineer Morgan presented the staff report.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to adopt Resolution No. 02-24 establishing the annual assessments for the

operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-2 (Calle Del Barco) for Fiscal Year 2002-2003. The question was called and the motion carried unanimously.

D. Assessment District 98-3 (Malibu Road)

Staff recommendation: Hold the public hearing to receive public comment and then adopt Resolution No. 02-24 establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-3 (Malibu Road) for Fiscal Year 2002-2003.

City Engineer Morgan presented the staff report.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to adopt Resolution No. 02-24 establishing the annual assessments for the operation, maintenance, improvement and repair of the existing landslide monitoring and mitigation facilities of City Assessment District 98-3 (Malibu Road) for Fiscal Year 2002-2003. The question was called and the motion carried unanimously.

E. Council consideration of a request from the applicant to have staff study an alternative proposal instead of the current proposed Crummer Trust Development Agreement and Vesting Tentative Tract Map for the 24.92 acres of land located on the south side of Pacific Coast Highway, east of the extension of Malibu Canyon Road.

Staff recommendation: Consider whether to direct staff to include the new Alternative Development Agreement and Vesting Tentative Tract Map (Crummer-2) in the environmental impact report authorized by the City Council in May 2001, noting that Crummer-2 represents the applicant's preferred project.

Senior Planner Albright presented the staff report.

Russ Guiney, California State Parks District Superintendent, indicated support for the alternative proposal.

Marianne Webster, Chair of the Santa Monica Mountains Task Force - Sierra Club, urged the Council to add Crummer 2 to the original EIR.

Tom Ashley, representing Crummer Trust, requested the Council consider substituting Crummer development agreement 2 for the tract map reviewed on May 14, 2001. He provided an overview of the Crummer development agreement. He summarized the Crummer 1 and Crummer 2 proposals.

James Rigley, representing Save Open Space - Santa Monica Mountains, requested the Bluff be used as the park system.

Marissa Coughlan discussed the need for youth sports facilities. She discussed the existing facilities at Bluffs Park. She requested justification from State Parks for the cost of removing the existing ball fields at Bluffs Park.

Dermot Stoker, Parks and Recreation Commission, discussed the need for ball fields. He requested funding for implementation of the Parks and Recreation Master Plan. He stated the baseball diamond design in the Crummer proposals was not properly aligned. He requested State Parks present their proposed use of Bluffs Park.

Councilmember Barovsky asked the Sierra Club's position on the proposed grading. Ms. Webster discussed the current use at Bluffs Park and stated she was in favor of relocating the playing fields to the Crummer property.

Councilmember Barovsky discussed the amount of grading proposed in Crummer 1 and Crummer 2. Ms. Webster indicated support for conducting EIRs on both Crummer 1 and 2.

Councilmember Stern asked Mr. Guiney why State Parks supported Crummer 2 over Crummer 1. Mr. Guiney explained their preference to Crummer 2 based on view shed impacts, clustering of facilities for safety and accessibility.

In response to Councilmember Stern, Senior Planner Albright explained the grading figures provided for each proposal.

Mayor Pro Tem Kearsley asked about the layout of the ball fields. Doug O'Brien stated the fields were oriented incorrectly. He discussed the necessary dimensions for Little League and Pony League fields.

Mayor Pro Tem Kearsley discussed the donation of Lot X and questioned whether the lot contained Coastal Sage Scrub. Senior Planner Albright indicated that information would be obtained from the EIR.

Mayor Jennings explained the matter before the Council. He discussed the importance of ball fields.

In response to Councilmember Barovsky, Mr. Guiney explained the land transfer proposed in Crummer 1. Councilmember Barovsky questioned the proposal for the State to provide land to the developer for a home. She asked why Crummer 2 was desirable to State Parks. Mr. Guiney stated the Crummer Trust was proposing the plans and State Parks preferred Crummer 2 to Crummer 1 due to viewshed concerns.

Mayor Jennings stated it was important to have both proposals in front of the Coastal Commission. He indicated support for studying both Crummer 1 and Crummer 2 to maintain maximum flexibility as the project moved forward.

City Attorney Hogin explained that the Council was not agreeing to the terms but rather providing direction to the EIR consultant to review both proposals.

In response to Councilmember Barovsky, Senior Planner Albright discussed the earthquake faults on the property.

MOTION Councilmember House moved and Mayor Pro Tem Kearsley seconded a motion to approve the amended scope of work to forward Crummer 2 to the EIR consultant and determine that the Council was not taking a position on the terms. The question was called and the motion carried unanimously.

ITEM 5 OLD BUSINESS

- A. Local Coastal Plan Update – Overview and Review of Chapters 6 & 7 of the January 10, 2002 Land Use Plan
Staff recommendation: After public input, continue discussion to the June 24, 2002 City Council meeting.

Planning Director Purvis presented the staff report.

Councilmember Stern discussed the example provided regarding maximum development on sites visible from scenic roads or public viewing areas.

Mayor Jennings discussed the restrictions on development size. He referenced the proposed wastewater management system.

Mayor Jennings announced the Coastal Commission bus tour on Wednesday, June 12, 2002 and ESHA Workshop on Thursday, June 13, 2002.

ITEM 6 NEW BUSINESS

None.

ITEM 7 COUNCIL ITEMS

- A. Harry Barovsky Youth Commission Appointments
Staff recommendation: Adopt Resolution No. 02-26 amending Resolution No. 00-30 allowing the Council discretion to appoint up to two standing alternates to the Youth Commission and make appointments to the Commission from the current list of applicants, designating term of appointment as necessary.

Parks and Recreation Director Adams presented the staff report.

MOTION Councilmember Barovsky moved and Councilmember House seconded a motion to adopt Resolution No. 02-26 amending Resolution No. 00-30 allowing the Council discretion to appoint up to two standing alternates to the Youth Commission and making the following appointments to the Commission:

Two-year appointments:

G.T. Sills

Nick Katz

Scott Major

Mose Wintner

Jenny Hardy

Caitlin Harris

One-year appointments

Austin Jennings

Brighton McCloskey

One year at-large appointments

Kurtis Major

Chanel Kass

Benjamin Hoffman

Zachary Drapkin

The motion carried unanimously.

B. Council Appointments to City Commissions and Committees

Staff recommendation: Appoint new Commission and Committee members to the various City Commissions and Committees.

Councilmember Stern appointed Ed Niles to the Senior Blue Ribbon Committee.

Councilmember Barovsky appointed Marilynn Santman to the Senior Blue Ribbon Committee.

Mayor Pro Tem Kearsley appointed Krystyna Williams to the Senior Blue Ribbon Committee.

Councilmember Barovsky appointed Eric Stauffer to Telecommunications Commission.

Councilmember Barovsky announced that Laureen Sills had resigned from the Parks and Recreation Commission.

ADJOURN At 10:47 p.m., Councilmember House moved and Councilmember Barovsky seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of
the City of Malibu on July 8, 2002.

JEFFREY D. JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)